



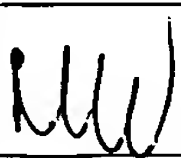
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/023,444	12/13/2001	Klaus Maass	60,130-1304; 00MRA0192	2285
26096	7590	11/09/2004	EXAMINER	
CARLSON, GASKEY & OLDS, P.C. 400 WEST MAPLE ROAD SUITE 350 BIRMINGHAM, MI 48009			STRIMBU, GREGORY J	
			ART UNIT	PAPER NUMBER
			3634	

DATE MAILED: 11/09/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/023,444	<b>Applicant(s)</b> MAASS ET AL.	
	<b>Examiner</b> Gregory J. Strimbu	<b>Art Unit</b> 3634	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 25 October 2004.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 20-38 is/are pending in the application.
- 4a) Of the above claim(s) 34-37 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 20-33 and 38 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

In light of the applicant's comments in the response of October 25, 2004, the finality of the previous Office action has been withdrawn in favor of the following Office action.

### ***Election/Restrictions***

Applicant's election of Group I in the reply filed on April 21, 2004 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP 818.03(a)). Accordingly, claims 34-37 have been withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made without traverse in the reply filed on April 21, 2004.

### ***Drawings***

The drawing correction filed on October 25, 2004 has been approved.

### ***Claim Rejections - 35 USC § 112***

Claim 38 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Recitations such as "mounted to" on line 8 of claim 38 render the claim indefinite because it is unclear if the both the first and second cable guides are mounted to the first member or is only the second cable guide is mounted to the first member.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 20, 24-30, 32 and 33 are rejected under 35 U.S.C. 102(a) as being anticipated by WO 00/53446. WO 00/53446 discloses a cable arrangement assembly for a vehicle comprising a carrier 14 for a cable, said carrier having a first elongate member 64 and a second elongate member 66, said first elongate member transverse to said second elongate member, a first cable guide (not numbered, but shown in figure 5 at the top of the guide rail 74) and a second cable guide (not numbered, but shown in figure 5 at the bottom of the guide rail 74) mounted to said first elongate member, a third cable guide (not numbered, but shown in figure 5 at the top of the guide rail 76) and a fourth cable guide (not numbered, but shown in figure 5 at the bottom of the guide rail 76) mounted to said second elongate member, a first guide rail 74 spaced generally parallel to a second guide rail 76, said first guide rail and said second guide rail mountable to said carrier and for guiding a window 16, and wherein said carrier has a plate 54 for mounting a drive 78 for the window, said plate having a seal 24, a latch mounting plate 70, a door handle mounting plate (not shown, but see column 3, lines 36-38). Note that the seal 24 is mounted to the time panel 18 which is mounted to the carrier 14. Therefore, the carrier, via the trim panel, has a seal.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 21-23 are rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/53446 as applied to claims 20, 24-30, 32 and 33 above, and further in view of Feige et al. Feige et al. discloses a vehicle door assembly comprising a carrier 6 having a seal 37 extending around a drive 20, the seal being larger than an aperture 5.

It would have been obvious to one of ordinary skill in the art to provide the carrier of WO 00/53446 with a seal, as taught by Feige et al., to reduce vibration noise.

Claim 31 is rejected under 35 U.S.C. 103(a) as being unpatentable over WO 00/53446 as applied to claims 20, 24-30, 32 and 33 above, and further in view of Borchuk et al. Borchuk et al. discloses first and second elongate members 20, 22 each having a u-shape in cross section.

It would have been obvious to one of ordinary skill in the art to provide WO 00/53446 with u-shaped members, as taught by Borchuk et al., to provide for smoother operation of the window regulator.

Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Herringshaw et al. in view of Borchuk et al. and Ritchie. Herringshaw et al. discloses a

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vehicle door module comprising an inner door panel 18 having a window frame 26, 28, 30, said inner door panel having an interior side (not shown) for facing an interior of a vehicle and an exterior side (not numbered, but shown in figure 3) for facing an exterior of the vehicle, a carrier 32 for a cable for supporting a window in the window frame, said carrier having a first elongate member (not numbered, but comprising the upper angled portion of the carrier) and a second elongate member (not numbered, but comprising the lower angled portion of the carrier), said first elongate member transverse to said second elongate member, and wherein said carrier has a plate (not numbered, but comprising the left most vertical section joining the first and second elongate members) for mounting a drive for the window. It should be noted that the first and second elongate members intersect at the right hand end of the carrier. Herringshaw et al. is silent concerning a cable window regulator and a seal.

However, Borchuk et al. discloses a carrier 12 having a first cable guide 34 and a second cable guide 36, a third cable guide 36 and a fourth cable guide 34, a first guide rail 20 spaced generally parallel to a second guide rail 22, said first guide rail and said second guide rail mountable to said carrier and for guiding a window 18.

It would have been obvious to one of ordinary skill in the art to provide Herringshaw et al. with a cable window regulator, as taught by Borchuk et al., to maintain the parallelism of the glass.

Additionally, Ritchie discloses a seal 70 for attaching component of a door together.

It would have been obvious to one of ordinary skill in the art to provide Herringshaw et al. with a seal, as taught by Ritchie, to improve the durability of the door.

### ***Response to Arguments***

Applicant's arguments filed October 25, 2004 have been fully considered but they are moot in view of the new grounds of rejection.

### ***Conclusion***

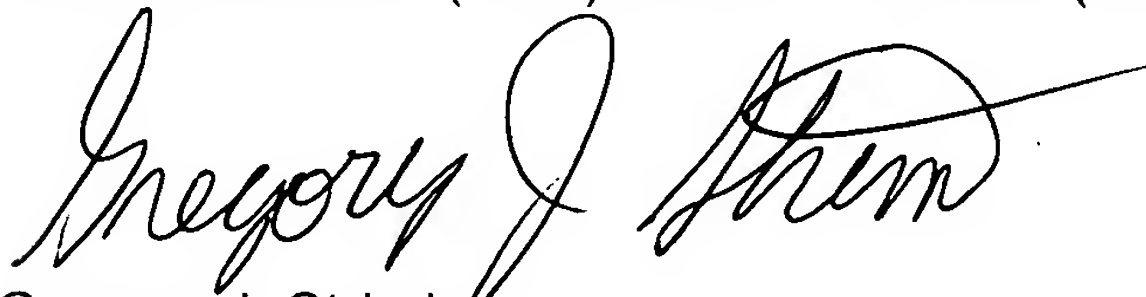
**THIS ACTION IS NOT MADE FINAL.**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Strimbu whose telephone number is 703-305-3979. The examiner can normally be reached on Monday through Friday 8:00 to 4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703-308-2486. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read "Gregory J. Strimbr", with a long horizontal flourish extending to the right.

Gregory J. Strimbr  
Primary Examiner  
Art Unit 3634  
November 5, 2004